

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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GMA ACCESSORIES, INC.

Plaintiff

Civil Action No.: 07CV3219 (LTS) (DF)

- against -

CHARLOTTE SOLNICKI, et al.

Response to Court Order for Exemplars

Defendants.

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1. Pursuant to the Order dated May 9, 2008, GMA Accessories, Inc.

("GMA") respectfully submits exemplars of the CHARLOTTE mark as it commonly appears on labels, hang-tags, and elsewhere on woman's clothing and related merchandise. Copies of these exemplars are attached as **Exhibit A**. Dan Levy of my firm sought to obtain opposing counsel's consent to a joint submission but his efforts were rejected. A copy of the rejection is attached as **Exhibit B**.

2. It is respectfully submitted that CHARLOTTE is plainly similar to or substantially indistinguishable from the CHARLOTTE RONSON mark, and the similarity is even more striking due to the undeniable fact that the CHARLOTTE in CHARLOTTE RONSON is larger and far more distinct than the RONSON as can be gleaned from the exemplars submitted by BOP.

3. Finally, it is settled that minor differences in typeface do not reduce the similarity between marks. See *Rosenthal v Ritelite* 986 F.Supp. 133 (E.D.N.Y 1997) ("the differences in typeset are not so significant as to reduce the impact of similarity"); *Toys R Us, Inc. v Canarsie Kiddie Shop, Inc.* 559 F.Supp 1189 (E.D.N.Y. 1983). ("minor lettering differences are unlikely to be noticed by many consumers and are undetectable when the two marks are spoken").

Dated: New York, New York
May 14, 2008

Respectfully submitted,

JOHN P. BOSTANY (JB-1986)
THE BOSTANY LAW FIRM